

FIFTY-SEVENTH DAY

(Friday, May 6, 1955)

The Senate met at 10:30 o'clock a. m., pursuant to adjournment, and was called to order by the President Pro Tempore.

The roll was called and the following Senators were present:

Aikin	Moffett
Ashley	Moore
Bracewell	Owen
Colson	Parkhouse
Corbin	Phillips
Fly	Rogers
Fuller	of Childress
Hardeman	Rogers of Travis
Kazen	Secrest
Lane	Shireman
Latimer	Strauss
Lock	Wagonseller
Martin	Willis
McDonald	

Absent—Excused

Hazlewood	Roberts
Kelley	Weinert
Ratliff	

A quorum was announced present.

Reverend W. H. Townsend, Chaplain, offered the invocation as follows:

"Holy Father, humbly, yet boldly, we approach the throne of grace, that we may obtain mercy, and grace for all our needs. We acknowledge our guilt, accept our sentence, and beg for mercy; we forget that while we were sinners, Christ died for us; forgive us, we pray, and grant us grace for all our needs. For it is in Christ's name we pray. Amen."

On motion of Senator Aikin, and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

Leaves of Absence

Senator Weinert was granted leave of absence for today on account of illness in the family on motion of Senator Lane.

Senator Ratliff was granted leave of absence for today on account of important business on motion of Senator Owen.

Senator Kelley was granted leave

of absence for today on account of important business on motion of Senator Kazen.

Senator Roberts was granted leave of absence for today on account of important business on motion of Senator Owen.

Senator Hazlewood was granted leave of absence for today on account of important business on motion of Senator Aikin.

Reports of Standing Committees

Senator Shireman submitted the following reports:

Austin, Texas,

May 6, 1955.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Water Rights, Irrigation and Drainage, to whom was referred H. B. No. 877, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

SHIREMAN, Vice-Chairman.

Austin, Texas,

May 6, 1955.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Water Rights, Irrigation and Drainage, to whom was referred H. B. No. 888, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass, as amended, and be printed.

SHIREMAN, Vice-Chairman.

Austin, Texas,

May 6, 1955.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Water Rights, Irrigation and Drainage, to whom was referred S. B. No. 411, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

SHIREMAN, Vice-Chairman.

Senator Kazen submitted the following reports:

Austin, Texas,
May 6, 1955.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Criminal Jurisprudence, to whom was referred H. B. No. 892, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass, as amended, and be printed.

KAZEN, Chairman.

Austin, Texas,
May 6, 1955.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Criminal Jurisprudence, to whom was referred H. B. No. 443, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

KAZEN, Chairman.

Austin, Texas,
May 6, 1955.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Criminal Jurisprudence, to whom was referred H. B. No. 909, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

KAZEN, Chairman.

Austin, Texas,
May 5, 1955.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred H. B. No. 413, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

KAZEN, Vice-Chairman.

Senator Phillips submitted the following reports:

Austin, Texas,
May 6, 1955.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Banking, to whom was referred S. B. No. 413, have had the same under consid-

eration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

PHILLIPS, Chairman.

Austin, Texas,
May 6, 1955.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Banking, to whom was referred H. B. No. 814, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

PHILLIPS, Chairman.

Senator Hardeman submitted the following report:

Austin, Texas,
May 6, 1955.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred H. B. No. 540, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HARDEMAN, Chairman.

House Bill 909 Ordered Not Printed

On motion of Senator Shireman, and by unanimous consent, H. B. No. 909 was ordered not printed.

Senate Bill 435 on First Reading

Senator Strauss moved that Senate Rule 114 and Section 5 of Article III of the State Constitution be suspended to permit his introducing at this time a bill, the provisions of which he explained.

The motion prevailed by the following vote:

Yeas—26

Aikin	Lock
Ashley	Martin
Bracewell	McDonald
Colson	Moffett
Corbin	Moore
Fly	Owen
Fuller	Parkhouse
Hardeman	Phillips
Kazen	Rogers
Lane	of Childress
Latimer	Rogers of Travis

Secrest
Shireman
Strauss

Wagonseller
Willis

Absent—Excused

Hazlewood
Kelley
Ratliff

Roberts
Weinert

The following bill was then introduced, read first time and referred to the committee indicated:

By Senator Strauss:

S. B. No. 435, A bill to be entitled "An Act validating the incorporation of all cities and towns of five thousand (5,000) inhabitants or less, heretofore incorporated or attempted to be incorporated under the General Laws of Texas; validating the boundary lines at the time of such incorporation and the extension of those boundaries; validating governmental proceedings; providing that this Act shall not apply to any city or town now involved in litigation questioning the legality of the incorporation; and declaring an emergency."

To the Committee on Civil Jurisprudence.

Senate Concurrent Resolution 64 on First Reading

Senator McDonald moved that Senate Rule 114 and Section 5 of Article III of the State Constitution be suspended to permit his introducing at this time a resolution, the provisions of which he explained.

The motion prevailed by the following vote:

Yeas—26

Aikin
Ashley
Bracewell
Colson
Corbin
Fly
Fuller
Hardeman
Kazen
Lane
Latimer
Lock
Martin
McDonald

Moffett
Moore
Owen
Parkhouse
Phillips
Rogers
of Childress
Rogers of Travis
Secrest
Shireman
Strauss
Wagonseller
Willis

Absent—Excused

Hazlewood
Kelley
Ratliff

Roberts
Weinert

The following resolution was then introduced, read first time and referred to the committee indicated:

S. C. R. No. 64, Granting Zephyr Oil Company permission to sue the State of Texas.

Whereas, Zephyr Oil Company, a Texas Corporation, paid to the State of Texas certain gas gathering taxes, beginning the month of November, 1951, and continuing through December, 1953, which taxes were levied by Section XXIII of House Bill No. 285, Chapter 402, page 740, Acts of the Fifty-second Legislature of the State of Texas, which became effective September 1, 1951, and which said Act has been declared unconstitutional by the Supreme Court of the United States in the cases styled Michigan-Wisconsin Pipeline Company v. Robert S. Calvert et al., and Panhandle Eastern Pipeline Company v. Robert S. Calvert et al., 347 U.S. 157, 74 S. C. 396; and

Whereas, The United States Supreme Court has held that taxes paid under this Act were illegally and unlawfully extracted and that said Act was void and of no force and effect; and

Whereas, There is no provision of law whereby this money unlawfully extracted can be returned or recovered except through a direct appropriation by the Legislature; and

Whereas, There is no provision in the laws of the State of Texas to accurately and definitely determine what amount of taxes, if any, should be returned; and

Whereas, In order to definitely and accurately determine the same, it is the policy of this Legislature to let a court of competent jurisdiction pass upon the same; and

Whereas, It is the policy of the Legislature of the State of Texas to give and grant to persons and corporations the right to litigate claims asserted against the State of Texas in a court of competent jurisdiction; now, therefore, be it

Resolved, By the Senate of Texas, with the House of Representatives concurring, That Zephyr Oil Company be and it is hereby granted permission to bring suit against the State of Texas in any court of competent jurisdiction in Travis County, Texas, to litigate its asserted claim against the State of Texas for money heretofore paid by Zephyr Oil Company under said unconstitutional law and service of citation for the purposes

herein granted may be served upon the State of Texas by serving the Attorney General, the State Treasurer and the Comptroller of Public Accounts; and, be it further

Resolved, That such suit may be filed within two (2) years from the effective date of this resolution and not thereafter; and, be it further

Resolved, That it is understood that the purpose of this resolution is solely to grant permission to bring suit against the State of Texas and no admission of the liability on the part of the State or of any fact is made by this resolution.

To the Committee on Civil Jurisprudence.

Senate Bill 436 on First Reading

Senator Lock moved that Senate Rule 114 and Section 5 of Article III of the State Constitution be suspended to permit his introducing at this time, a bill, the provisions of which he explained.

The motion prevailed by the following vote:

Yeas—26

Aikin	Moffett
Ashley	Moore
Bracewell	Owen
Colson	Parkhouse
Corbin	Phillips
Fly	Rogers
Fuller	of Childress
Hardeman	Rogers of Travis
Kazen	Secrest
Lane	Shireman
Latimer	Strauss
Lock	Wagonseller
Martin	Willis
McDonald	

Absent—Excused

Hazlewood	Roberts
Kelley	Weinert
Ratliff	

The following bill was then introduced, read first time and referred to the committee indicated:

By Senator Lock:

S. B. No. 436, A bill to be entitled "An Act creating a conservation and reclamation district under the provisions of Section 59, Article 16, of the Constitution, to be known as 'Tyler County Water Control and Improvement District No. 1'; conferring upon the district the powers of the general laws governing water control and im-

provement districts where not in conflict with this Act; providing for the governing body of the district; providing that no election on confirmation of the organization of the District and no exclusion hearing shall be held in said District; providing for the issuance of bonds and refunding bonds; adopting the ad valorem plan of taxation for said District; making bonds of the District eligible for investments, and exempting the property and the bonds of the District from taxation; finding a benefit; providing a severability clause; and declaring an emergency."

To the Committee on Counties and County Boundaries.

Message from the Governor

The President Pro Tempore laid before the Senate the following message received from the Governor today:

Austin, Texas,
May 6, 1955.

To the Members of the Fifty-fourth Legislature.

Complying with the request contained in Senate Concurrent Resolution No. 55, I am returning herewith Senate Bill No. 154.

Respectfully submitted,
ALLAN SHIVERS,
Governor of Texas.

The message was read and was filed with the Secretary of the Senate.

Senate Bill 391 with House Amendments

Senator Strauss called S. B. No. 391 from the President's table for consideration of the House amendments to the bill.

The President Pro Tempore laid the bill and House amendments before the Senate, and the House amendments were read.

Senator Strauss moved that the Senate concur in the House amendments.

The motion prevailed by the following vote:

Yeas—25

Aikin	Fly
Ashley	Fuller
Bracewell	Hardeman
Corbin	Kazen

Lane	Phillips
Latimer	Rogers
Lock	of Childress
Martin	Rogers of Travis
McDonald	Secrest
Moffett	Shireman
Moore	Strauss
Owen	Wagonseller
Parkhouse	Willis

Absent

Colson

Absent—Excused

Hazlewood	Roberts
Kelley	Weinert
Ratliff	

Senate Bill 393 with House Amendments

Senator Strauss called S. B. No. 393 from the President's table for consideration of the House amendments to the bill.

The President Pro Tempore laid the bill and House amendments before the Senate, and the House amendments were read.

Senator Strauss moved that the Senate concur in the House amendments.

The motion prevailed by the following vote:

Yeas—25

Aikin	Moffett
Ashley	Moore
Bracewell	Owen
Corbin	Parkhouse
Fly	Phillips
Fuller	Rogers
Hardeman	of Childress
Kazen	Rogers of Travis
Lane	Secrest
Latimer	Shireman
Lock	Strauss
Martin	Wagonseller
McDonald	Willis

Absent

Colson

Absent—Excused

Hazlewood	Roberts
Kelley	Weinert
Ratliff	

Vote Reconsidered on Concurrence in House Amendments to Senate Bill 154

On motion of Senator Shireman and

by unanimous consent the vote by which the Senate concurred in House amendments to S. B. No. 154 was reconsidered.

Senator Shireman then moved that the Senate do not concur in the House amendments to S. B. No. 154 and that a Conference Committee be appointed to adjust the differences between the two Houses on the bill.

The motion prevailed.

Accordingly, the President Pro Tempore announced the appointment of the following Conferees on the part of the Senate on the bill:

Senators Shireman, Owen, Aikin, Bracewell and Fuller.

House Bill 685 on Second Reading

Senator Ashley asked unanimous consent to suspend the regular order for business and take up H. B. No. 685 for consideration at this time.

There was objection.

Senator Ashley then moved to suspend the regular order of business and take up H. B. No. 685 for consideration at this time.

The motion prevailed by the following vote:

Yeas—21

Aikin	Moore
Ashley	Owen
Bracewell	Parkhouse
Corbin	Phillips
Hardeman	Rogers
Kazen	of Childress
Lane	Rogers of Travis
Latimer	Secrest
Lock	Shireman
Martin	Wagonseller
Moffett	Willis

Nays—4

Fly	McDonald
Fuller	Strauss

Absent

Colson

Absent—Excused

Hazlewood	Roberts
Keller	Weinert
Ratliff	

The President Pro Tempore laid before the Senate on its second reading the following bill:

H. B. No. 685, A bill to be entitled "An Act to validate, upon certain terms and conditions, State Park Improvement Bonds heretofore authorized by the Texas State Parks Board and all covenants and agreements and all actions and proceedings in connection therewith; and providing the bonds to be incontestable; and declaring an emergency."

The bill was read the second time.

(President in the Chair.)

Senator Owen offered the following amendment to the bill:

Amend H. B. No. 685 by adding the following at the end of Section 1:

"provided further that no admission fees shall ever be pledged for the retirement of the bonds issued hereunder except admission fees collected at such State Parks upon which are actually located hotels and cabins as contemplated by the aforesaid resolution."

On motion of Senator Ashley the amendment was tabled by the following vote:

Yeas—21

Aikin	Martin
Ashley	McDonald
Bracewell	Moffett
Colson	Parkhouse
Corbin	Phillips
Fuller	Rogers
Hardeman	of Childress
Kazen	Rogers of Travis
Lane	Secrest
Latimer	Shireman
Lock	Willis

Nays—3

Fly	Strauss
Owen	

Absent

Moore	Wagonseller
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Absent—Excused

Hazlewood	Roberts
Kelley	Weinert
Ratliff	

Senator Owen offered the following amendment to the bill:

Amend H. B. No. 685 by adding the following at the end of Section 1:

"Provided however that no provision of the resolution herein validated or of this act shall prevent 25% of

the revenues collected in any one state park from being used for the maintenance and improvement of that particular park."

On motion of Senator Ashley the amendment was tabled.

The bill was passed to third reading.

House Bill 685 on Third Reading

Senator Ashley moved that Senate Rule 32 and the constitutional rule requiring bills to be read on three several days be suspended and that House Bill No. 685 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—21

Aikin	Moffett
Ashley	Owen
Bracewell	Parkhouse
Colson	Phillips
Corbin	Rogers
Hardeman	of Childress
Kazen	Rogers of Travis
Lane	Secrest
Latimer	Shireman
Lock	Wagonseller
Martin	Willis

Nays—4

Fly	McDonald
Fuller	Strauss

Absent

Moore

Absent—Excused

Hazlewood	Roberts
Kelley	Weinert
Ratliff	

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—20

Aikin	Lock
Ashley	Martin
Bracewell	Moffett
Colson	Owen
Corbin	Parkhouse
Hardeman	Rogers
Kazen	of Childress
Lane	Rogers of Travis
Latimer	Secrest

Shireman Willis
Wagonseller

Nays—4

Fly McDonald
Fuller Strauss

Absent

Moore Phillips

Absent—Excused

Hazlewood Roberts
Kelley Weinert
Ratliff

Senate Resolution 323

Senator Kazen offered the following resolution:

Whereas, We are honored today to have in the gallery Mr. Abe Wilson and Mr. Ramsey Cronfel, who are in the Capital City to participate in the State Interscholastic League Meet; and

Whereas, Mr. Wilson and Mr. Cronfel comprise the Debating Team of Martin High School of Laredo; and

Whereas, These two young men have earned the right to represent their school in the State Meet by having defeated all other debating teams in their area; now, therefore, be it

Resolved, That we officially recognize and welcome these two young men and commend them for their achievements.

The resolution was read and was adopted.

Senator Kazen, by unanimous consent, presented Mr. Wilson and Mr. Cronfel to the Members of the Senate.

Senate Resolution 324

Senator Rogers of Childress offered the following resolution:

Whereas, We are honored today to have as a visitor in the Senate Judge Vance Gilbreath, County Judge of Motley County; and

Whereas, We desire to welcome this distinguished visitor to the Capitol Building and Capital City; now, therefore, be it

Resolved, That his presence be recognized by the Senate of Texas and that he be extended the official welcome of the Senate and that he be granted the privileges of the floor for the day.

The resolution was read and was adopted.

Senator Rogers of Childress by unanimous consent presented Judge Gilbreath to the Members of the Senate.

Senate Resolution 325

Senator Martin offered the following resolution:

Whereas, We are honored today to have in the gallery the English Class of Aquilla High School accompanied by G. B. King, teacher; and

Whereas, These students and guests are on an educational tour of the Capitol Building and the Capital City; and

Whereas, This fine class of young American citizens is here to observe and learn firsthand the workings of their State Government; now, therefore, be it

Resolved, That we officially recognize and welcome this class and commend them for their interest, and that a copy of this resolution, properly endorsed, bearing the official seal of the Senate, be mailed to them in recognition of their visit.

The resolution was read and was adopted.

Senator Martin by unanimous consent presented the students and Mr. King to the Members of the Senate.

Message From the House

Hall of the House of Representatives,
Austin, Texas,
May 6, 1955.

Hon. Ben Ramsey, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

H. C. R. No. 120, Requesting the Texas Legislative Council to make a study of the Texas tax structure.

H. C. R. No. 100, Granting Southern Kiddie Rides, Inc., permission to sue the State of Texas.

H. C. R. No. 90, Granting J. Herman Lowe and wife permission to sue the State of Texas.

H. C. R. No. 124, Directing the State Parks Board and the State Historical Survey Committee to make an investigation of the possibilities of pre-

serving Old Indianola and its environs as an historic site and State Park.

H. C. R. No. 142, Granting Kenneth Massey permission to sue the State of Texas.

H. C. R. No. 126, Granting D. D. Jackson permission to bring suit against the State.

H. C. R. No. 138, House Concurrent Resolution Be It Resolved by the House of Representatives, the Senate concurring, That the Joint Rules of the two Houses be, and they are hereby, suspended so that either House may take up and consider House Bill No. 400 at any time.

H. C. R. No. 140, House Concurrent Resolution Be It Resolved by the House of Representatives, the Senate concurring, That the Joint Rules of the two Houses be, and they are hereby, suspended so that either House may take up and consider House Bill No. 605 at any time.

H. C. R. No. 144, House Concurrent Resolution Be It Resolved by the House of Representatives, the Senate concurring, That the Joint Rules of the two Houses be, and they are hereby, suspended so that either House may take up and consider House Bill No. 175 at any time.

H. C. R. No. 149, House Concurrent Resolution Be It Resolved by the House of Representatives of the Fifty-fourth Legislature, the Senate concurring, That the Joint Rules be, and the same are hereby suspended, in order that the House may take up and consider at any time Senate Bill No. 337.

H. C. R. No. 151, House Concurrent Resolution Be It Resolved by the House of Representatives, the Senate concurring, That the Joint Rules of the two Houses be, and they are hereby, suspended so that either House may take up and consider House Bill No. 307 at any time.

S. C. R. No. 58, Authorizing the Senate Enrolling Clerk to make certain changes in S. B. 273.

S. C. R. No. 59, Authorizing the Senate Enrolling Clerk to make certain changes in Senate Bills 127 and 395.

S. B. No. 349, A bill to be entitled "An Act for the purpose of obtaining

and maintaining additional library facilities for rural high school district or independent school district, now or hereafter organized, having boundaries embracing the entire area of a single county in this State, which county now has, or may hereafter have, an assessed valuation in excess of thirty million dollars (\$30,000,000), by authorizing Courts and Boards of Library Trustees; providing for transfer of title of limited lots of land by school boards to such trustees; providing terms, conditions and limitations; repealing general laws or parts thereof in conflict herewith; and declaring an emergency."

(With amendments.)

S. B. No. 354, A bill to be entitled "An Act giving to George Parchman and wife, Leona Parchman, consent of the Legislature to sue the State of Texas, Texas State Highway Department and/or Texas State Highway Commission for the alleged taking of their lands and improvements thereon for public use by the Texas State Highway Department and for damages to 13 acres of land, more or less, and improvements thereon, situated in Franklin County, Texas, allegedly resulting from the construction of State Highway Number 1, U. S. Highway Number 67, its subsequent maintenance, and the changes made in pre-existing water drainage facilities, which highway runs through Franklin County, Texas; providing that suit may be brought in a court of competent jurisdiction in Franklin County, Texas; providing a savings clause; providing for service of process; and declaring an emergency."

S. B. No. 374, A bill to be entitled "An Act providing that no oil, gas and mineral lease, or oil and gas lease, now in existence and which was granted by any political subdivision of the State, city, town, village, county, school district, water control and improvement district, water control and preservation district, water control district, water improvement district, water power control district, water supply district or irrigation district, for a valid consideration, shall be cancelled or held voidable or invalid because the lessor in such lease or leases had heretofore failed to give notice by newspaper publication of the intent to grant such lease or leases and that competitive bids for such lease or leases would be received, provided that any such lease

or leases are not void or voidable for any other cause, and providing that nothing herein contained shall be construed as affecting pending litigation; and declaring an emergency."

S. B. No. 377, A bill to be entitled "An Act authorizing parts of county line school districts to be annexed to adjacent junior college districts for junior college purposes only; defining county line school districts; providing invalidity of portion of the Act shall not affect validity of remainder; and declaring an emergency."

S. B. No. 399, A bill to be entitled "An Act creating Shelby County Water Supply District; providing for its organization and governing body; prescribing its powers, authority, functions, duties and privileges; providing a severability clause; and declaring an emergency."

S. B. No. 402, A bill to be entitled "An Act creating a conservation and reclamation district under the provisions of Section 29, Article 16, of the Constitution, to be known as 'Boling Municipal Water District'; setting forth certain powers of said district; enacting other provisions relating to the subject; and declaring an emergency."

S. B. No. 403, A bill to be entitled "An Act amending Chapter 64, Acts of the Fifty-third Legislature by making such Act applicable to revenue bonds hereafter voted as well as to those heretofore voted; and declaring an emergency."

S. B. No. 414, A bill to be entitled "An Act pertaining to compensation of employees of certain county and precinct officials in counties with a population of not less than five hundred thousand (500,000) inhabitants, nor more than six hundred and ten thousand (610,000) inhabitants, and the justice precincts in such counties having a population of not less than three hundred thousand (300,000) inhabitants in such precincts, according to the last preceding or any future Federal census and who are compensated on a salary basis; providing that the County Commissioners Court shall grant to such offices a minimum budget appropriation for deputy clerk hire of not less than the payroll for February, 1955, of such office multiplied by twelve (12) (months), plus an additional fifteen per cent (15%); providing that every employee who is

on the payroll when this Act becomes effective shall receive a fifteen per cent (15%) increase in salary, providing said employee was on any part of the February, 1955, payroll of said office; providing that the officials of the offices named must submit to the County Commissioners Court the number of positions and salary of each position necessary to perform the duties of said office and said Court shall approve said positions and salaries provided the total of positions and salaries does not exceed the annual budget appropriation for deputy clerk hire; providing for a savings clause; repealing all laws and parts of laws in conflict herewith; and declaring an emergency."

S. B. No. 415, A bill to be entitled "An Act providing that it shall be unlawful to kill wild turkey in Shelby and Panola Counties for a period of five (5) years from and after the passage of this Act; repealing all laws in conflict; providing a penalty; and declaring an emergency."

S. B. No. 417, A bill to be entitled "An Act creating a Juvenile Board for Waller County and designating the chairman thereof; providing additional compensation for county and district judges serving thereon; stating the effect of this act on existing laws; and declaring an emergency."

S. B. No. 145, A bill to be entitled "An Act creating the Texas Commission on Higher Education; providing for appointments of its members and their terms of office; providing for filling vacancies in its membership; providing rules and regulations for the transaction of its business; providing for expenses of members; prescribing times and place of meetings; authorizing employment of personnel and prescribing the qualifications of the Director; placing certain duties on the Council of College Presidents of State-supported institutions; prescribing the purpose, duties and functions of the Commission; providing for reports to the Governor and to the Legislature; imposing certain duties on all State-supported institutions of higher learning and other State agencies; providing for hearings before the Commission; repealing Chapter 39, Acts of the Forty-first Legislature, First Called Session, 1929, and Chapter 10, Acts of the Forty-first Legislature, Second Called Session, 1929, as amended, and other Acts and parts of Acts inconsistent

with the provisions of this Act; containing a severability clause; and declaring an emergency."

(With amendments.)

S. B. No. 48, A bill to be entitled "An Act amending Section 2 of Chapter 88, General Laws of the 41st Legislature, Second Called Session, 1929, as amended (codified as Article 6675a-2 in Vernon's Texas Civil Statutes), so as to exempt from registration vehicles which are designed and used exclusively for fire-fighting; and declaring an emergency."

S. B. No. 156, A bill to be entitled "An Act amending House Bill 275, Chapter 125, Acts of the 52nd Legislature, Regular Session, in order to add the Counties of Bosque and Somervell to the Act, to the limited extent of regulating the killing and taking of deer, including both buck deer and doe deer or hornless deer; repealing all acts in conflict herewith to the extent of the conflict only; providing a saving clause; and declaring an emergency."

S. B. No. 161, A bill to be entitled "An Act amending Section 8 of Article XVII, Chapter 184 of the Acts, 47th Legislature, Regular Session, codified as Article 7065b-8, Vernon's Annotated Civil Statutes, and Subsection (g) of Section 14, Article XVII, Chapter 184 of the Acts, 47th Legislature, Regular Session, as amended by Subsection 5 (g) of Section XXII, Chapter 402 of the Acts, 51st Legislature, Regular Session, codified as Article 7065b-14(g), by adding to each section a paragraph providing that the lien shall not be valid as against any mortgagee of a motor vehicle provided such mortgagee is without notice and has complied with the provisions of the Certificate of Title Act prior to the filing by the Comptroller with the State Highway Department a certificate which shows that a tax lien exists upon such vehicle; providing a fee of twenty-five cents (\$.25) and no more shall be charged by the State Highway Department to pay for the expenses of administering this Act; providing a saving clause; providing that this Act shall take precedence over any other conflicting or inconsistent laws; and declaring an emergency."

(With amendments.)

S. B. No. 196, A bill to be entitled "An Act amending Subsection (a) of Section 104 of Chapter 421 of the

Acts of the 50th Legislature, 1947, as amended, being Subsection (a) of Section 104 of Article 6701d of Vernon's Civil Statutes, to require vehicles to stop before passing a stopped school bus on any highway outside of any incorporated city or town, and then proceeding to pass in certain manner only; and declaring an emergency."

S. B. No. 207, A bill to be entitled "An Act to amend Subsection A of Section 5 of Chapter 352, Acts of the 50th Legislature, 1947, as amended by Chapter 361, Acts of the 53rd Legislature, Regular Session, 1953, regulating retirement compensation for state employees, and codified as Article 6228a in Vernon's Texas Civil Statutes, by adding a provision entitling employees of the State Prison System to their service retirement allowance who shall have completed twenty years or more creditable service; providing a severability clause; providing a repealing clause; and declaring an emergency."

S. B. No. 241, A bill to be entitled "An Act amending Chapter 95, Acts of the 51st Legislature, Regular Session, 1949, as amended, codified as Article 4590c in Vernon's Texas Civil Statutes and commonly known as the Basic Sciences Law; amending Section 4 so as to combine the offices of Secretary and Treasurer of the State Board of Examiners in Basic Sciences into the single office of Secretary-Treasurer; amending Section 5 so as to require fee payments by applicants for certification by waiver of examination; amending Section 8 so as to clarify certification by reciprocity; providing a severability clause; and declaring an emergency."

S. B. No. 295, A bill to be entitled "An Act authorizing and directing the Commissioner of the General Land Office for the State of Texas to sell Public Free School Land situated in El Paso County, Texas, to the City of El Paso, Texas."

(With amendments.)

S. B. No. 303, A bill to be entitled "An Act amending Subsection G of Section 5 of H. B. 168, Chapter 352, Acts of the 50th Legislature, Regular Session, 1947, as amended, and declaring an emergency."

S. B. No. 309, A bill to be entitled "An Act relating to juvenile boards and juvenile officers in certain counties of the State; amending Sections 1 and 15 of Chapter 46, Acts of the

45th Legislature, Regular Session, 1935, as amended (codified under Article 5142b in Vernon's Texas Civil Statutes), designating the counties to which the Act applies and providing for additional compensation of members; etc.; and declaring an emergency."

(With amendments.)

S. B. No. 331, A bill to be entitled "An Act creating a Conservation District under Article XVI, Section 59, of the Constitution, comprising certain territory contained within Travis County, Texas, and is empowered to acquire, purchase, or construct sanitary and storm sewer system or systems and additions, extensions or improvements thereto and to acquire or purchase all equipment and facilities necessary therefor, and to develop, acquire, purchase, and contract for the purchase of necessary water to be used in connection therewith and to purchase or acquire all necessary lands, easements or rights-of-way for any and all the foregoing purposes; providing for a Board of Directors for the government of said District; authorizing the District to do all things necessary to accomplish the foregoing powers and purposes; provision for annexing and excluding lands and territory; making applicable to the District Title 52, Revised Civil Statutes of Texas, as amended, relating to eminent domain and certain general laws relating to Water Control and Improvement Districts; provisions relating to construction contracts; authorizing the issuance of bonds and providing for the payment and security thereof; providing for ad valorem taxes; providing for the method of assessing, levying and collecting taxes and relative matters; providing for refunding bonds and manner of payment and security therefor; prescribing other powers of the District; authorizing certain contracts; provisions making bonds eligible investment; making certain laws applicable; provisions relating to tax liability of bonds and related matters; providing a savings clause; enacting other provisions related to this subject; providing for overlapping of District over certain city and Districts; and declaring an emergency."

(With amendments.)

S. B. No. 346, A bill to be entitled "An Act to amend Section 8 of Senate Bill 455, Acts of the Forty-seventh

Legislature, Regular Session, so as to more clearly define the intent of the present law as it pertains to the growing and taking of minnows from the public fresh waters of Hamilton County, Texas; specifically exempting the owners of private ponds and tanks in Hamilton County from the provisions of said Act; repealing all laws in conflict herewith; and declaring an emergency."

The House has concurred in Senate amendments to H. C. R. No. 55 by vote of 135 ayes, 0 noes.

The House has concurred in Senate amendments to House Bill No. 50 by viva vice vote.

The House has concurred in Senate amendments to House Bill No. 308 by vote of 128 ayes, 0 noes.

The House has concurred in Senate amendments to House Bill No. 253 by vote of 130 ayes, 1 no.

The House has concurred in Senate amendments to House Bill No. 78 by vote of 119 ayes, 3 noes.

The House has adopted the Conference Committee report on House Bill No. 85 by a viva voce vote.

The House has granted the request of the Senate for the appointment of a Conference Committee on Senate Bill No. 385. The following have been appointed on the part of the House: Heitman, Saul, Pool, Osborn, Reeves.

S. C. R. No. 45, Requesting that the Texas Legislative Council initiate immediately a study of the need for additional state facilities for the care and treatment of persons who are criminally insane, etc.

S. B. No. 165, A bill to be entitled "An Act amending Section 16(d), Acts 1929, 41st Legislature, chapter 314, page 698, as amended by Acts 1931, 42nd Legislature, chapter 277, page 480, section 17 (being Article 1690b, Vernon's Penal Code of Texas); and amending Acts 1929, 41st Legislature, chapter 314, page 698, as amended by Acts 1931, 42nd Legislature, chapter 277, page 480, section 17, by adding Section 16(j), making it unlawful to issue, show, or display, or to enter into a conspiracy or agreement to issue, display, or use a false, fictitious, or misleading bill of sale, bill of lading, or manifest on commodities being transported over the

highways of this State; providing for each bill of lading and manifest to show the true name and address of consignor, consignee, origin, destination, and exact description of commodities, goods, wares, or properties transported, or being transported, for hire over the highways of this State; making such bill of lading, manifest, and bill of sale available for inspection upon request of any officer or agent named in Section (d) hereof; authorizing such officers or agents named in Section (d) hereof to impound the commodities being transported and hold same until properly released without any liability against such officer or agent, and providing a penalty therefor; and adding Section 16(k), authorizing any officer authorized under Section (d) of this Act, upon written authority of the Attorney General or any District Judge of the District Court properly having venue under the laws of this State, to inspect and examine books, records, and accounts of corporations, associations, partnerships, firms, or individuals, and make copies of such books, records, and accounts, and providing a penalty therefor; providing that if any part of this Act is declared unconstitutional, such decision shall not affect the validity of the remaining portions of the Act; and declaring an emergency."

(With amendments.)

S. B. No. 209, A bill to be entitled "An Act amending House Bill 17, Acts of the 46th Legislature, Regular Session, 1939, as amended by Senate Bill 28, Acts of the 51st Legislature, Regular Session, 1949, Chapter 149; providing for the licensing and regulation of dealers in real estate; prohibiting the unlawful practice of law; defining terms; providing penalties for violation of this Act; providing a savings clause; and declaring an emergency."

(With amendments.)

S. B. No. 171, A bill to be entitled "An Act making appropriations to pay miscellaneous claims out of the General Revenue Fund, or such other funds as may be designated herein for each item, not otherwise appropriated; providing that before payment of any claim shall be paid from the funds hereby appropriated, the same shall have the approval of the State Auditor, the State Comptroller and the Attorney General; providing further that any claim involving the refund of a

franchise tax shall also carry the approval of the Secretary of State in addition to the other officials herein named; and declaring an emergency."

(With amendments.)

H. C. R. No. 125, House Concurrent Resolution requesting the Texas Legislative Council to study the laws of this State relating to the duties and compensation of city and county officers.

The House has concurred in Senate amendments to House Bill No. 881 by a viva voce vote.

The House has adopted the Conference Committee report on Senate Bill No. 28 by a viva voce vote.

House has appointed the following Conference Committee on H. B. No. 670: Ellis, Johnson, King, Turman and Andis.

S. B. No. 359, A bill to be entitled "An Act relating to the construction, acquisition and equipment of buildings and other structures and additions to buildings and other structures by the Board of Regents of the University of Texas, the Board of Directors of the Texas Agricultural and Mechanical College System, the Board of Directors of Texas Technological College, the Board of Regents of the State Teachers Colleges, the Board of Regents of the Texas State College for Women, the Board of Directors of the College of Arts and Industries, the Board of Regents of North Texas State College, the Board of Regents of Texas Southern University and the Board of Regents of Lamar State College of Technology; providing for the fixing of fees for the use thereof and other revenue producing buildings, structures and other property; providing for the issuance of negotiable bonds and notes for the construction or acquisition of buildings and structures and additions to buildings and structures and the acquisition of land therefor; providing for securing such bonds and notes by irrevocably pledging the fees, charges and revenues from buildings and structures and additions to existing buildings and structures and the revenues from any other revenue producing buildings, structures and other properties, and making provisions for assuring the adequacy of such pledged income; containing a severability clause; enacting other provisions related to the subject; and declaring an emergency."

(With amendments.)

The House has adopted the Conference Committee report on House Bill No. 284 by a vote of 129 ayes, 0 noes.

The House has adopted the Conference Committee report on Senate Bill No. 385 by a vote of 125 ayes, 0 noes.

Respectfully submitted,
DOROTHY HALLMAN,
Chief Clerk, House of Representatives.

Senate Bill 435 Re-referred

On motion of Senator Strauss and by unanimous consent, S. B. No. 435 was withdrawn from the Committee on Civil Jurisprudence and re-referred to the Committee on State Affairs.

Reports of Standing Committees

Senator Ashley, by unanimous consent, submitted the following report:

Austin, Texas,
May 6, 1955.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Oil and Gas, to whom was referred H. B. No. 558, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

ASHLEY, Chairman.

Senator Lane submitted the following report:

Austin, Texas,
May 6, 1955.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred S. C. R. No. 64, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass, as amended, and be not printed.

LANE, Chairman.

House Bill 558 Ordered Not Printed

On motion of Senator Lane and by unanimous consent, H. B. No. 558 was ordered not printed.

House Concurrent Resolution 148 on Second Reading

The President laid before the Senate on its second reading the following resolution:

H. C. R. No. 148, Recalling H. B. No. 632 from the Governor's office.

The resolution was read the second time and was adopted.

Committee Substitute Senate Bill 155 on Third Reading

Senator Fly asked unanimous consent to suspend the regular order of business and take up S. B. No. 155 on its third reading and final passage.

There was objection.

Senator Fly then moved to suspend the regular order of business and take up C. S. S. B. No. 155 on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—20

Aikin	Owen
Ashley	Parkhouse
Bracewell	Phillips
Corbin	Rogers
Fly	of Childress
Hardeman	Rogers of Travis
Kazen	Secrest
Lane	Shireman
Martin	Strauss
Moffett	Wagonseller
Moore	

Nays—4

Colson	Lock
Fuller	Willis

Absent

Latimer	McDonald
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Absent—Excused

Hazlewood	Roberts
Kelley	Weinert
Ratliff	

The President laid before the Senate on its third reading and final passage the following bill:

C. S. S. B. No. 155, A bill to be entitled "An Act amending and revising the Title Insurance Law, Chapter 9 of the Insurance Code, Acts of the Fifty-second Legislature, Regular Session, 1951, Chapter 491, authorizing the creation of corporations for the purpose of compiling and/or acquiring and owning abstract plants in this or any other state and to compile and sell abstracts of title therefrom, and to insure the title to lands and

interests therein and liens thereon, and authorizing such corporations to handle all transactions relating or incident thereto and authorizing such corporations to accumulate and lend money, to deal in securities and to act as trustee, receiver, executor, administrator, and guardian; increasing and prescribing amounts of paid-in capital of corporations operating under this Act; etc.; and declaring an emergency."

The bill was read the third time and was passed.

Record of Votes

Senators Lock, Fuller, Rogers of Travis, Lane, Willis, Colson and Kazen asked to be recorded as voting "nay" on the final passage of C. S. S. B. No. 155.

Bills and Resolutions Signed

The President signed in the presence of the Senate, after the captions had been read, the following enrolled bills and resolutions:

S. B. No. 347, A bill to be entitled "An Act relating to the method of selection of directors of certain water control and improvement districts, and validating bonds of such districts, and declaring an emergency."

H. C. R. No. 50, Granting permission to Richard Park, Hal Parks, and E. D. Richmond, Jr. to sue the State.

H. C. R. No. 60, Granting permission to West Texas Utilities Company to sue the State of Texas.

H. C. R. No. 66, Granting permission to Goldston Oil Corp., McAlester Fuel Co., Brazos-Young Corp., Sylva Oil Co., Lawton Oil Corp., W. J. Goldston, and W. L. Goldston to sue the State of Texas.

H. C. R. No. 81, Granting the Empire Southern Gas Co. permission to sue the State of Texas.

H. C. R. No. 57, Granting permission to Cabot Carbon Company to sue the State of Texas.

H. C. R. No. 34, Granting the South Minerals Corporation permission to sue the State of Texas.

H. C. R. No. 134, Authorizing the Speaker of the House and the President of the Senate to remove their signatures from the enrolled H. B. 377

and instructing the Enrolling Clerk of the House to make certain corrections in H. B. No. 377.

H. C. R. No. 58, Granting permission to Wheeler Gas Company to sue the State of Texas.

H. C. R. No. 41, Giving the United Gas Pipe Line Company the right to sue the State of Texas for gas gathering taxes paid to the State.

H. C. R. No. 47, Granting Transcontinental Gas Pipe Line Corp. permission to sue the State.

H. C. R. No. 65, Granting permission to Pan American Gas Company to sue the State of Texas.

S. B. No. 85, A bill to be entitled "An Act exempting from taxation the property of organizations known as The American Legion or local organizations of or affiliated with The American Legion; and declaring an emergency."

S. B. No. 164, A bill to be entitled "An Act amending Sections 2(a), 2(c), 4, and 5 of Acts, 53rd Legislature, R. S., chapter 209, page 561, and being Article 6701c-1 of Vernon's Civil Statutes; and declaring an emergency."

S. B. No. 172, A bill to be entitled "An Act relating to the control and eradication of livestock diseases; establishing a brucellosis control and eradication program; amending Article 712 of the Penal Code of the State of Texas; repealing Article 4474, Revised Civil Statutes of Texas, 1925, authorizing the Board of Directors of the Agricultural and Mechanical College of Texas to establish a coordinated livestock disease research-diagnostic laboratory-reporting program; providing for severability; repealing all conflicting laws; and declaring an emergency."

S. B. No. 224, A bill to be entitled "An Act amending an Act providing for the creation of county-wide hospital districts in counties having a population of 190,000 or more, and Galveston County; providing for an election in the county in question to create such district and to assume hospital indebtedness; providing for the levy of taxes by the Commissioners' Court for hospital purposes; providing for the issuance of bonds by the Commissioners' Court upon authorization by the property taxpaying vot-

ers, for the purpose of the creation and expansion of a hospital system, such bonds to be the obligation of the hospital district; providing for the approval of such bonds; providing for an election on the question of bonds; providing for the issuance of refunding bonds without an election; withdrawing authority for the sale of bonds by a city or county for hospital as to bonds previously authorized but not sold; providing for the transfer of certain property and funds from a county or city to a hospital district; providing for the assumption of certain contractual obligations by the hospital district; etc.; and declaring an emergency."

Senate Bill 170 on Second Reading

On motion of Senator Parkhouse and by unanimous consent, the regular order of business was suspended to take up for consideration at this time S. B. No. 170 on its passage to engrossment (the bill having been read the second time on Tuesday, May 3, 1955).

Question—Shall S. B. No. 170 be passed to engrossment?

The bill was passed to engrossment.

Senate Bill 170 on Third Reading

Senator Parkhouse moved that Senate Rule 32 and the Constitutional rule requiring bills to be read on three several days be suspended and that Senate Bill No. 170 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—23

Aikin	McDonald
Ashley	Moffett
Colson	Moore
Corbin	Owen
Fly	Parkhouse
Fuller	Phillips
Hardeman	Rogers
Kazen	of Childress
Lane	Shireman
Latimer	Strauss
Lock	Wagonseller
Martin	Willis

Absent

Bracewell	Secrest
Rogers of Travis	

Absent—Excused

Hazlewood	Kelley
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Ratliff	Weinert
Roberts	

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—24

Aikin	McDonald
Ashley	Moffett
Colson	Moore
Corbin	Owen
Fly	Parkhouse
Fuller	Phillips
Hardeman	Rogers of Travis
Kazen	Secrest
Lane	Shireman
Latimer	Strauss
Lock	Wagonseller
Martin	Willis

Absent

Bracewell	Rogers
	of Childress

Absent—Excused

Hazlewood	Roberts
Kelley	Weinert
Ratliff	

House Bill 95 on Second Reading

On motion of Senator Lane and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H. B. No. 95, A bill to be entitled "An Act to amend Article 1919, Revised Civil Statutes of Texas, 1925, as amended; prescribing that the terms of all district courts, including criminal district courts, shall be continuous; providing for as many sessions of court in any county as the judge deems proper and authorizing him to adopt rules and regulations relating thereto; providing for trial of certain cases and performance of certain acts by district judges, including visiting judges, in any county in their respective districts; etc., and declaring an emergency."

The bill was read second time and was passed to third reading.

House Bill 95 on Third Reading

Senator Lane moved that the Constitutional rule requiring bills to be

read on three several days be suspended and that House Bill No. 95 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—26

Aikin	Moffett
Ashley	Moore
Bracewell	Owen
Colson	Parkhouse
Corbin	Phillips
Fly	Rogers
Fuller	of Childress
Hardeman	Rogers of Travis
Kazen	Secrest
Lane	Shireman
Latimer	Strauss
Lock	Wagonseller
Martin	Willis
McDonald	

Absent—Excused

Hazlewood	Roberts
Kelley	Weinert
Ratliff	

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—25

Aikin	McDonald
Ashley	Moffett
Bracewell	Moore
Colson	Owen
Corbin	Parkhouse
Fly	Phillips
Fuller	Rogers
Hardeman	of Childress
Kazen	Rogers of Travis
Lane	Shireman
Latimer	Strauss
Lock	Wagonseller
Martin	Willis

Absent

Secrest

Absent—Excused

Hazlewood	Roberts
Kelley	Weinert
Ratliff	

Senate Bill 209 with House Amendments

Senator Fly called S. B. No. 209 from the President's table for consid-

eration of the House amendments to the bill.

The President laid the bill and House amendments before the Senate, and the House amendments were read.

Senator Fly moved that the Senate do not concur in the House amendments, but that a conference committee be appointed to adjust the differences between the two Houses on the bill.

The motion prevailed.

Senate Bill 165 with House Amendments

Senator Hardeman called S. B. No. 165 from the President's table for consideration of the House amendments to the bill.

The President laid the bill and House amendments before the Senate, and the House amendments were read.

Senator Hardeman moved that the Senate do not concur in the House amendments, but that a conference committee be appointed to adjust the differences between the two Houses on the bill.

The motion prevailed.

**Committee Substitute
Senate Bill 140 on Third Reading**

On motion of Senator Willis and by unanimous consent, the President laid before the Senate on its third reading and final passage the following bill:

C. S. S. B. No. 140, A bill to be entitled "An Act conferring upon the Game and Fish Commission power and authority to regulate, by proclamation, order, rule, or regulation, the taking of the wildlife resources of this State; making provisions relative to investigations by the Commission with respect to wildlife resources, adoption and enforcement of orders, rules and regulations, issuance of permits, issuance and forfeiture of licenses, and related matter; prescribing offenses and providing penalties; authorizing the taking of affidavits relative to violations and prescribing a penalty for false swearing; repealing certain laws; fixing the effective date of the Act; providing for severability; and declaring an emergency."

The bill was read the third time and was passed by the following vote:

Yeas—14

Aikin	Phillips
Bracewell	Rogers
Corbin	of Childress
Kazen	Secrest
Latimer	Shireman
Lock	Wagonseller
Moore	Willis
Parkhouse	

Nays—10

Ashley	Martin
Colson	McDonald
Fuller	Moffett
Hardeman	Rogers of Travis
Lane	Strauss

Absent

Fly	Owen
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Absent—Excused

Hazlewood	Roberts
Kelley	Weinert
Ratliff	

Senate Resolution 326

Senator Corbin offered the following resolution:

Whereas, We are honored today to have in the Senate Jerry Parkhouse, son of our esteemed colleague, Senator George Parkhouse and Mrs. Parkhouse of Dallas; now, therefore, be it

Resolved, by the Senate, That this outstanding young man be extended the official welcome of the Senate and that he be commended for his visit.

The resolution was read and was adopted.

Senate Resolution 327

Senator Lock offered the following resolution:

Whereas, We are honored today to have in the gallery the Senior Class of the E. J. Campbell High School of Nacogdoches, Texas, accompanied by their teachers, Mrs. Annie L. Dawkins and Terry Alexander; and

Whereas, These students and guests are on an educational tour of the Capitol Building and the Capital City; and

Whereas, This fine class of young American citizens is here to observe and learn firsthand the workings of their State Government; now, therefore, be it

Resolved, That we officially recognize and welcome this class and com-

mend them for their interest, and that a copy of this resolution, properly endorsed, bearing the official seal of the Senate, be mailed to them in recognition of their visit.

The resolution was read and was adopted.

Senator Lock, by unanimous consent, presented the students and Mrs. Dawkins and Mr. Alexander to the Members of the Senate.

Senate Resolution 328

Senator Bracewell offered the following resolution:

Whereas, We are honored today to have visiting in the Senate, Bernard Andrews, twelve years of age, who has recently won the Spelling Bee in the public schools in Houston; and

Whereas, This young man is on an educational tour of the Capitol to observe the workings of our State Government; and

Whereas, It is the desire of the Senate to recognize his presence and to congratulate him on such splendid achievement; now, therefore, be it

Resolved, by the Senate of the State of Texas, That this Body acknowledge the presence of Bernard Andrews and that congratulations be extended to him for being victorious in the Spelling Bee conducted in the Houston Public Schools.

The resolution was read and was adopted.

House Bill 739 on Second Reading

On motion of Senator McDonald, and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H. B. No. 739, A bill to be entitled "An Act to amend Article 908, Chapter 6 of the Penal Code of Texas, repealing all laws in conflict with the Act; providing a saving clause; and declaring an emergency."

The bill was read second time.

Senator McDonald offered the following amendment to the bill:

Amend House Bill No. 739, the original thereof, by changing the words and figures, "six hundred and forty (640)" wherever it appears in

the bill to the words and figures "one hundred and fifty (150)."

The amendment was adopted.

Senator McDonald offered the following amendment to the bill:

Amend House Bill No. 739, the original thereof, page 3, by changing the words and figures "Fifty Dollars (\$50.00)" wherever it appears on said page, to the words and figures "Ten Dollars (\$10.00)."

The amendment was adopted.

On motion of Senator McDonald, and by unanimous consent, the caption was amended to conform to the body of the bill, as amended.

The bill, as amended, was passed to third reading.

House Bill 739 on Third Reading

Senator McDonald moved that Senate Rule 32 and the Constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 739 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—22

Aikin	Moffett
Ashley	Moore
Bracewell	Parkhouse
Colson	Phillips
Corbin	Rogers
Fuller	of Childress
Kazen	Rogers of Travis
Lane	Secrest
Latimer	Shireman
Lock	Strauss
Martin	Willis
McDonald	

Nays—1

Hardeman

Absent

Fly	Wagonseller
Owen	

Absent—Excused

Hazlewood	Roberts
Kelley	Weinert
Ratliff	

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—22

Aikin	Moffett
Ashley	Moore
Bracewell	Parkhouse
Colson	Phillips
Corbin	Rogers
Fuller	of Childress
Kazen	Rogers of Travis
Lane	Secrest
Latimer	Shireman
Lock	Strauss
Martin	Willis
McDonald	

Nays—1

Hardeman

Absent

Fly	Wagonseller
Owen	

Absent—Excused

Hazlewood	Roberts
Kelley	Weinert
Ratliff	

Message from the Governor

The following message from the Governor was read and was filed with the Secretary of the Senate:

Austin, Texas,
May 6, 1955.

To the Members of the Fifty-fourth Legislature.

Complying with the request contained in House Concurrent Resolution No. 148, I am returning herewith House Bill No. 632.

Respectfully submitted,
ALLAN SHIVERS,
Governor of Texas.

House Bills and Resolution on First Reading

The following bills and resolution received from the House were read first time and were referred to the committees indicated:

H. C. R. No. 108, To the Committee on Civil Jurisprudence.

H. B. No. 756, To the Committee on Towns and City Corporations.

H. B. No. 65, To the Committee on Criminal Jurisprudence.

Senate Bill 420 Laid on Table

On motion of Senator McDonald, and by unanimous consent, S. B. No. 420 was laid on the table.

Senate Bill 331 with House Amendments

Senator Rogers of Travis called S. B. No. 331 from the President's table for consideration of the House amendments to the bill.

The President laid the bill and House amendments before the Senate, and the House amendments were read.

Senator Rogers of Travis moved that the Senate concur in the House amendments.

The motion prevailed.

Reports of Standing Committees

Senator Secrest, by unanimous consent, submitted the following report:

Austin, Texas,
May 6, 1955.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Privileges and Elections, to whom was referred H. B. No. 392, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do not pass, but that the committee substitute do pass, and be printed.

SECREST, Chairman.

C. S. H. B. No. 392 was read first time.

Senator Lane by unanimous consent submitted the following reports:

Austin, Texas,
May 6, 1955.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred S. C. R. No. 62, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

LANE, Chairman.

Austin, Texas,
May 6, 1955.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred H. C. R. No. 108, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

LANE, Chairman.

Conference Committee Report on House Bill 284

Senator Willis submitted the following Conference Committee report on H. B. No. 284:

Austin, Texas,
May 2, 1955.

Hon. Ben Ramsey, President of the Senate.

Hon. Jim Lindsey, Speaker of the House of Representatives.

Sirs: We, your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on H. B. No. 284, have met and had same under consideration, and beg to report it back with the recommendation that it do pass in the form attached.

WILLIS
ROGERS of Childress
OWEN
CORBIN
MOORE,

On the part of the Senate.

SMITH of Tarrant
COWEN
McDONALD
PYLE,

On the part of the House.

H. B. No. 284:

A BILL

TO BE ENTITLED

"An Act creating a Conservation District under Article XVI, Section 59, of the Texas Constitution, comprising the territory contained within the City of Haltom City in Tarrant County, Texas, for the purpose of providing a source of water supply for municipal, domestic and industrial use and processing and transporting the same; providing for the annexation of additional territory thereto; providing for a Board of Directors for the government of said district; authorizing the District to do all things necessary to make available for municipal and industrial uses, the water from streams within the District, water from underground sources, and water it may obtain by purchase, lease and operation contracts with cities, persons, firms, corporations and public agencies; authorizing the issuance of bonds and providing for the payment and security thereof; making applicable to the District, Title 52, Revised Civil Statutes of Texas, as amended, relating to eminent domain, and certain General Laws relating to water control and improvement Districts; prescribing the other powers of the Dis-

trict; enacting other provisions relating to this subject; providing a saving clause; and declaring an emergency."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

Section 1. By virtue of Article XVI, Section 59 of the Texas Constitution, there is hereby created a Conservation and Reclamation District to be known as "Haltom City Water Authority" (hereinafter called "Authority") which shall be a governmental agency and a body politic and corporate.

Sec. 2. The Authority shall contain all of the territory contained in the City of Haltom City, Tarrant County, Texas, on March 1, 1955.

It is hereby found that all of the land thus included in said Authority will be benefited by the improvement to be acquired and constructed by said Authority.

Sec. 3. (a) All powers of the Authority shall be exercised by a board of five (5) directors. Each director shall serve for his term of office as herein provided, and thereafter until his successor shall be appointed and qualified. No person shall be a director unless he resides in and owns taxable property in the Authority. No member of a governing body of any city or town, and no employee of a city or town shall be a director. Such directors shall subscribe to the Constitutional oath of office, and each shall give bond in the amount of Five Thousand (\$5,000) Dollars for the faithful performance of his duties, the cost of which shall be paid by the Authority. A majority shall constitute a quorum.

(b) Immediately after this Act becomes effective, the County Judge of Tarrant County shall call an election for the election of five (5) directors. The election order shall appoint a Presiding Judge who is authorized to appoint an Assistant Judge and such Clerks as may be necessary to hold such election. Notice of the election shall be published in a newspaper published in Haltom City or in the City of Fort Worth at least one time, at least ten (10) days prior to the date set for the election. Only qualified voters residing in the Authority who own taxable property therein and who have duly rendered the same for taxation shall be entitled to vote. The returns of the election shall be made to and canvassed by the County Judge who shall enter an order declaring the result thereof. As soon as such

Directors qualify, they shall hold a meeting and determine by lot (unless otherwise determined by unanimous vote of the Board of Directors) the two Directors whose terms shall expire the first Tuesday in April, 1956, and the three whose terms shall expire the first Tuesday in April, 1957.

(c) On the first Tuesday in April of each year hereafter, there shall be elected two Directors or three Directors, as the case may be, who shall succeed the Directors whose terms are then scheduled to expire, and each Director so elected shall serve for a term of two years from the date of his election, or until his successor is elected and qualified.

(d) The regular elections shall be ordered by the Board of Directors. The Board shall appoint the presiding judge, who shall appoint an assistant judge and at least two (2) clerks. Notice of the election shall be published in a newspaper published in Haltom City or in the City of Fort Worth one time at least ten (10) days prior to the election. Only qualified voters residing in the Authority who own taxable property therein and who have duly rendered the same for taxation shall be entitled to vote. The returns of the election shall be made to and canvassed by the Board of Directors of the Authority who shall adopt a resolution declaring the result thereof.

(e) Any candidate for director desiring to have his name printed on the ballot may do so by a petition so requesting signed by not less than fifty (50) residents of the Authority who are qualified to vote at the election. Such petition shall be presented to the County Judge for the first election and thereafter to the Secretary of the Board of Directors. The petition shall be presented on such date as will allow not less than fifteen (15) full days between the date of presentation and the date of the election.

(f) Vacancies occurring in the Board of Directors shall be filled for the unexpired term by majority vote of the remaining Directors.

(g) Each director shall receive a fee of not to exceed ten dollars (\$10.00) for attending each meeting of the Board. Each director shall also be entitled to receive not to exceed ten dollars (\$10.00) per day devoted to the business of the Authority and to reimbursement for actual expenses incurred in attending to Authority business provided that such service

and expense are expressly approved by the Board.

Sec. 4. The Board of Directors shall elect from its number a president and a vice-president of the Authority, and such other officers as in the judgment of the Board are necessary. The president shall be the chief executive officer of the Authority and the presiding officer of the Board, and shall have the same right to vote as any other director. The vice-president shall perform all duties and exercise all powers conferred by this Act upon the president when the president is absent or fails or declines to act. The Board shall also appoint a secretary and a treasurer who may or may not be members of the Board, and it may combine those offices. The treasurer shall give bond in such amount as may be required by the Board of Directors. The condition of such bond shall be that he will faithfully account for all money which shall come into his custody as treasurer of the Authority. The Board shall appoint all necessary engineers, attorneys and other employees. The Board shall adopt a seal for the Authority.

Sec. 5. Other territory, whether contiguous to the Authority or not, and within Tarrant County, may be annexed to the Authority in the following manner:

(a) A petition praying for such annexation signed by fifty (50) or a majority of the qualified voters of the territory to be annexed who own taxable property therein and who have duly rendered the same to the county for taxation shall be filed with the Board of Directors of the Authority. The petition shall describe the territory by metes and bounds or otherwise unless such territory is the same as that contained in a city or town, in which event it shall be sufficient to state that the territory to be annexed is that which is contained within such city or town.

(b) If the Board of Directors finds that the petition complies with and is signed by the number of qualified persons required by the foregoing subsection, that the annexation would be to the interest of the Authority, and that the Authority will be able to supply water to the territory, it shall adopt a resolution stating the conditions, if any, under which such territory may be annexed to the Authority, and requesting the Commissioners Court of Tarrant County to annex said terri-

tory to the Authority. A certified copy of such resolution and of the petition shall be filed with said court.

(c) The Commissioners Court shall adopt a resolution declaring its intention to call an election in the territory for the purpose of submitting the proposition of whether or not such territory shall be annexed to the Authority, and fix a time and place when and where a hearing shall be held by said court on the question of whether the territory proposed to be annexed will be benefited by the improvements, works, and facilities then owned or operated or contemplated to be owned or operated by the Authority. Railroad right of way which is not situated within the defined limits of an incorporated city or town will not be benefited by the improvements, works and facilities which the Authority is authorized to construct; therefore, it is provided that no railroad right of way shall hereafter be annexed to the Authority except such right of way as is contained within the limits of an incorporated city or town then or theretofore annexed to the Authority.

(d) Notice of the adoption of such resolution stating the time and place of such hearing, addressed to the citizens and owners of property in such territory shall be published one time in a newspaper designated by the Commissioners Court at least ten (10) days prior to the date of such hearing. The notice shall describe the territory proposed to be annexed in the same manner as required or permitted for the petition.

(e) All persons interested may appear at such hearing and offer evidence for or against the intended annexation. Such hearing may proceed in such order and under such rules as may be prescribed by the Commissioners Court, and the hearing may be recessed from time to time. If, at the conclusion of the hearing, the Commissioners Court finds that all of the land in the territory proposed to be annexed will be benefited by the present or contemplated improvements, works or facilities of the Authority, the court shall adopt a resolution calling an election in the territory to be annexed stating therein the date of the election, the place or places of holding the same, and appointing a presiding judge for each voting place who shall appoint the necessary assistant judges and clerks to assist in holding the election.

(f) Notice of such election, stating

the date thereof, the proposition to be voted upon and the conditions under which the territory may be annexed, or making reference to the resolution of the Board of Directors for that purpose, and the place or places of holding the same, shall be published one time in a newspaper designated by the Commissioners Court at least ten (10) days before the date set for the election.

(g) Only qualified electors who reside in, and who own taxable property in such territory and who have duly rendered the same to the county in which it is situated for taxation shall be qualified to vote in said election. Returns of said election shall be made to the Commissioners Court of Tarrant County.

(h) The Commissioners Court shall canvass the returns of the election and pass an order declaring the results thereof. If such returns show that a majority of the votes cast are in favor of annexation, said court shall annex said territory to the Authority, and such annexation shall thereafter be incontestable except within the time for contesting elections under the general election law. A certified copy of said order shall be recorded in the deed records of the county in which the territory is situated.

(i) The Commissioners Court in calling the election on the proposition for annexation of territory, may include as a part of the same proposition a proposition for the assumption of its part of the tax supported bonds of the Authority then outstanding and those theretofore voted but not yet sold, and for the levy of an ad valorem tax on taxable property in said territory along with the tax in the rest of the Authority for the payment thereof.

(j) After territory is added to the Authority, the Board of Directors of the Authority may call an election over the entire Authority for the purpose of determining whether the entire Authority as enlarged shall assume the tax supported bonds then outstanding and those theretofore voted but not yet sold and whether an ad valorem tax shall be levied upon all taxable property within the Authority as enlarged for the payment thereof, unless such proposition is voted along with the annexation election and becomes lawfully binding upon the territory annexed. Such election shall be called and held in the same manner as elections for the is-

suance of bonds as provided in this Act.

(k) If no newspaper is published in territory to be annexed, the notices shall be posted in three (3) public places therein.

Sec. 6. The Authority is hereby empowered to impound storm and flood waters and the unappropriated flow waters at such place or places and in such amount as may be approved by the Board of Water Engineers, by the construction of a dam or dams within or without the District, by complying with Chapter 1, Title 128, Revised Civil Statutes, as amended, and to develop or otherwise acquire underground sources of water. The Authority is also empowered to construct or otherwise acquire all works, plants, and other facilities necessary or useful for the purpose of processing such water and transporting it to cities and others, and distributing it for municipal, domestic and industrial purposes. The Authority is authorized to sell any real or personal property not needed for the exercise of its powers hereunder. No dam or other works for the impounding of surface water shall be constructed until the plans therefor are approved by the Board of Water Engineers of the State of Texas.

The authority granted in this Act shall be limited to the watershed of Big Fossil Creek.

Sec. 7. (a) For the purpose of carrying out any power or authority conferred by this Act the Authority shall have the right to acquire land and easements within and without the Authority by condemnation in the manner provided by Title 52, Revised Civil Statutes, as amended, relating to eminent domain. The amount of and character of interest in land and easements thus to be acquired shall be determined by the Board of Directors.

(b) The amount of land which the Authority may condemn above the top of the probable high water line shall be limited to an area included in a horizontal projection from a point four feet above the spillway level except where the abrupt terrain would not, in the opinion of the Board of Directors, provide for a twenty-five foot roadway with firm and safe foundation. This limitation shall not apply to land for the construction of the dam with location for a filtering plant, settling tanks, distribution

point, locks, pumps, material storage yards, and other uses necessary and incidental to the operation of the water plant.

(c) If, within five (5) years from date of acquisition by purchase or condemnation the Authority desires to sell any land so acquired, the person from whom such land was acquired shall have the right to purchase the land for the price he received for it, but if a trust instrument is given to secure bonds of the Authority, such trust instrument may prohibit the sale of any land except under conditions therein prescribed.

(d) In the event that the District, in the exercise of the power of eminent domain or power of relocation, or any other power granted hereunder, makes necessary the relocation, raising, re-routing or changing the grade of, or altering the construction of any highway, railroad, electric transmission line, telephone or telegraph properties and facilities, or pipeline, all such necessary relocation, raising, re-routing, changing of grade or alteration of construction shall be accomplished at the sole expense of the District.

Sec. 8. Any construction contract or contract for the purchase of material, equipment or supplies requiring expenditure of more than \$2,500.00 shall be made to the lowest responsible bidder after publication of a notice to bidders once each week for two (2) weeks before awarding the contract. Such notice shall be sufficient if it states the time and place when and where the bids will be opened, the general nature of the work to be done, or the material, equipment or supplies to be purchased, and states where and the terms upon which copies of the plans and specifications may be obtained. The publication shall be in a newspaper published in the City of Haltom City or City of Fort Worth and designated by the Board of Directors.

Sec. 9. (a) For the purpose of providing a source of water supply for cities and other users for municipal, domestic and industrial purposes, as authorized by this Act, and for the purpose of carrying out any other power or authority conferred by this Act, the Authority is empowered to issue its negotiable bonds to be payable from such revenues of the Au-

thority as are pledged by resolution of the Board of Directors.

(b) Such bonds shall be authorized by resolution of the Board of Directors and shall be issued in the name of the Authority, signed by the president or vice president, attested by the secretary, and have the seal of the District impressed thereon. They shall mature serially or otherwise in not to exceed forty (40) years and they may be sold at a price and under terms determined by the Board of Directors to be the most advantageous reasonably obtainable, provided that the interest cost to the Authority calculated by use of standard bond interest tables currently in use by insurance companies and investment houses does not exceed six per cent (6%) per annum, and within the discretion of the Board, may be made callable prior to maturity at such times and prices as may be prescribed in the resolution authorizing the bonds, and may be made registerable as to principal or as to both principal and interest.

(c) Bonds may be issued in more than one series and from time to time as required for carrying out the purposes of this Act.

(d) The bonds may be secured by a pledge of all or part of the net revenues of the Authority, or by the net revenues of any one or more contracts theretofore or thereafter made or other revenues specified by resolution of the Board of Directors or a trust indenture authorized by said Board. Any such pledge may reserve the right, under conditions therein specified, to issue additional bonds which will be on a parity with or subordinate to the bonds then being issued. The term "net revenues" as used in this section shall mean the gross revenues of the Authority after deduction of the amount necessary to pay the cost of maintaining and operating the Authority and its properties.

(e) For the purposes stated in Section 9 (a) hereof, the District is also empowered to issue bonds payable from ad valorem taxes to be levied on all taxable property therein, or to issue bonds secured both by and payable from such taxes and the revenues of the Authority. Where bonds are issued payable wholly or partially from ad valorem taxes, it shall be the duty of the Board of Directors to levy a tax sufficient to pay the

bonds and the interest thereon as such bonds and interest become due, but the rate of the tax for any year may be fixed after giving consideration to the money received from the pledged revenues which may be available for payment of principal and interest to the extent and in the manner permitted by the resolution authorizing the issuance of the bonds or the trust indenture.

(f) Where bonds payable wholly from revenues are issued, it shall be the duty of the Board of Directors to fix, and from time to time to revise, the rates of compensation for water sold and services rendered by the Authority which will be sufficient to pay the expense of operating and maintaining the facilities of the Authority and to pay the bonds as they mature and the interest as it accrues and to maintain the reserve and other funds as provided in the resolution authorizing the bonds. Where bonds payable partially from revenues are issued, it shall be the duty of the Board to fix, and from time to time to revise, the rate of compensation for water sold and services rendered by the Authority which will be sufficient to assure compliance with the resolution authorizing the bonds or the trust indenture.

(g) From the proceeds from the sale of the bonds, the Authority may set aside an amount for the payment of interest expected to accrue during construction and a reserve interest and sinking fund, and such provision may be made in the resolution authorizing the bonds or trust indenture. Proceeds from the sale of the bonds may also be used for the payment of all expenses necessarily incurred in accomplishing the purposes for which this Authority is created.

(h) In the event of a default or a threatened default in the payment of principal or of interest on bonds payable wholly or partially from revenues, any court of competent jurisdiction may, upon petition of holders of outstanding bonds, appoint a receiver with authority to collect and receive all income of the Authority except taxes, employ and discharge agents and employees of the Authority, take charge of funds on hand (except funds received from taxes unless commingled) and manage the proprietary affairs of the Authority without consent of or hindrance by the Directors. Such receiver may also

be authorized to sell or make contracts for the sale of water or renew such contracts with the approval of the court appointing him. The court may vest the receiver with such other powers and duties as the court may find necessary for the protection of the holders of the bonds. It is provided, however, that the resolution authorizing the issuance of the bonds or the trust indenture securing their payment may specify the minimum per cent of outstanding bonds which must be held by the holders seeking the appointment of a receiver, and may otherwise qualify the right of holders to institute litigation which might affect the District's property or funds.

Sec. 10. The Authority is authorized to issue refunding bonds for the purpose of refunding any outstanding bonds authorized by this Act and interest thereon. Such refunding bonds may be issued to refund more than one series of outstanding bonds and combine the pledges and mortgage liens for the outstanding bonds for the security of refunding bonds, and the refunding bonds may be secured by other or additional revenues. The provisions of this law with reference to the issuance of other bonds and their approval by the Attorney General and the remedies of the holders shall be applicable to refunding bonds. Refunding bonds shall be registered by the Comptroller upon surrender and cancellation of the bonds to be refunded, but in lieu thereof, the resolution authorizing their issuance may provide that they shall be sold and the proceeds thereof deposited in the bank where the original bonds are payable, in which case the refunding bonds may be issued in an amount sufficient to pay the interest on the original bonds to their option date or maturity date, and the Comptroller shall register them without concurrent surrender and cancellation of the original bonds.

Sec. 11. Any bonds (including refunding bonds) authorized by this law, not payable wholly from ad valorem taxes, may be additionally secured by a mortgage lien upon physical properties of the Authority and all franchises, easements, water rights and appropriation permits, leases and contracts and all rights appurtenant to such properties, vesting in the trustee power to sell the properties for payment of the indebtedness, power to

operate the properties and all other powers and authority for the further security of the bonds. The trust indenture may contain any provisions prescribed by the Board of Directors for the security of the bonds and the preservation of the trust estate, and may make provision for amendment or modification thereof and the issuance of bonds to replace lost or mutilated bonds. Any purchaser under a sale under such trust indenture shall be the owner of the dam or dams and the other properties and facilities so purchased and shall have the right to maintain and operate the same.

Sec. 12. (a) No bonds payable wholly or partially from ad valorem taxes (except refunding bonds) shall be issued unless authorized by an election at which only the qualified voters who reside in the Authority and who own taxable property therein and who have duly rendered the same for taxation shall be permitted to vote. Bonds not payable wholly or partially from ad valorem taxes may be issued without an election.

(b) Such election may be called by the Board of Directors without a petition. The resolution calling the election shall specify the time and place or places of holding the same, the purpose for which the bonds are to be issued, the maximum amount thereof, the maximum maturity thereof, the form of the ballot, and the presiding judge for each voting place. The presiding judge serving at each voting place shall appoint one (1) assistant judge and at least two (2) clerks to assist in holding such election. Notice of the election shall be given by publishing a substantial copy thereof in a newspaper having general circulation within the Authority for two (2) consecutive weeks. The first publication shall be at least twenty-one (21) days prior to the election.

(c) The returns of the election shall be made to and canvassed by the Board of Directors of the Authority.

(d) The general laws relating to elections shall be applicable to elections held under this section of this law except as otherwise provided in this law.

Sec. 13. After any bonds are authorized by the Authority, such bonds and the record relating to their issuance shall be submitted to the Attorney General for his examination as to the validity thereof. Where such bonds recite that they are secured by a pledge of the proceeds of a contract

theretofore made between the Authority and any city or other governmental agency or district, a copy of such contract and the proceedings of the city or other governmental agency or district authorizing such contract shall also be submitted to the Attorney General. If such bonds have been authorized and if such contracts have been made in accordance with the Constitution and Laws of the State of Texas he shall approve the bonds and such contracts and the bonds then shall be registered by the Comptroller of Public Accounts. Thereafter, the bonds, and the contracts if any, shall be valid and binding and shall be incontestable for any cause.

Sec. 14. Proceeds from the sale of bonds may be invested in direct obligations of the United States Government having maturities not in excess of ninety-one days from date of purchase.

Sec. 15. The Authority is authorized to enter into contracts with cities and others for supplying water to them. The Authority is also authorized to contract with any city for the rental or leasing of, or for the operation of the water production, water supply, and water supply facilities of such city upon such consideration as the Authority and the city may agree. Any such contract may be upon such terms and for such time as the parties may agree, and it may provide that it shall continue in effect until bonds specified therein and refunding bonds issued in lieu of such bonds are paid.

Sec. 16. (a) The Board of Directors shall designate one or more banks within the Authority to serve as depository for the funds of the Authority. All funds of the Authority shall be deposited in such Depository bank or banks except that funds pledged to pay bonds may be deposited with the trustee bank named in the trust agreement, and except that funds shall be remitted to the bank of payment for the payment of principal of and interest on bonds. To the extent that funds in the Depository banks and the trustee bank are not insured by the F.D.I.C. they shall be secured in the manner provided by law for the security of county funds.

(b) Before designating a depository bank or banks, the Board of Directors shall issue a notice stating the time and place when and where the Board will meet for such purpose and inviting the banks in the Authority to submit applications to be designated de-

positories. The term of service for depositories shall be prescribed by the Board. Such notice shall be published one time in a newspaper published in the Authority or in Fort Worth and specified by the Board.

(c) At the time mentioned in the notice, the Board shall consider the applications and the management and condition of the banks filing them, and shall designate as depositories the bank or banks which offer the most favorable terms and conditions for the handling of the funds of the Authority and which the Board finds have proper management and are in condition to warrant handling of Authority funds. Membership on the Board of Directors of an officer or director of a bank shall not disqualify such bank from being designated as depository.

(d) If no applications are received by the time stated in the notice or if no such application is accepted, the Board shall designate some bank or banks within or without Authority upon such terms and conditions as it may find advantageous to the Authority.

Sec. 17. The Authority is authorized to acquire water appropriation permits directly from the Board of Water Engineers of the State of Texas; or from owners of permits. The Authority is also authorized to purchase water or a water supply or water storage space from any person, firm, corporation or public agency.

Sec. 18. All bonds of the Authority shall be and are hereby declared to be legal and authorized investments for banks, savings banks, trust companies, building and loan associations, savings and loan associations, insurance companies, fiduciaries, trustees, guardians, and for the sinking funds of cities, towns, villages, counties, school districts, or other political corporations or subdivisions of the State of Texas. Such bonds shall be eligible to secure the deposit of any and all public funds of the State of Texas, and any and all public funds of cities, towns, villages, counties, school districts, or other political corporations or subdivisions of the State of Texas; and such bonds shall be lawful and sufficient security for said deposits to the extent of their value, when accompanied by all unmatured coupons appurtenant thereto.

Sec. 19. The accomplishment of the purposes stated in this Act being for the benefit of the people of this State and for the improvement of their properties and industries, the

Authority in carrying out the purposes of this Act will be performing an essential public function under the Constitution and shall not be required to pay any tax or assessment on the project or any part thereof, and the bonds issued hereunder, and their transfer and the income therefrom, including the profits made on the sale thereof, shall at all times be free from taxation within this State.

Sec. 20. (a) The tax rolls of Tarrant County, insofar as they relate to the territory described in Section 2 of this Act and the tax rolls of the county or counties relating to territory which hereafter shall be annexed to the Authority, are hereby adopted and shall constitute the tax rolls of the Authority until assessments and tax rolls shall be made by the Authority.

(b) Prior to the sale and delivery of bonds which are payable wholly or partially from ad valorem taxes the board of directors shall appoint a tax assessor and collector and a board of equalization and cause taxes to be assessed, valuations to be equalized, and tax rolls to be prepared. General laws applicable to water control and improvement districts with reference to tax assessors and collectors, board of equalization, tax rolls and the levy and collection of taxes, tax liens, and delinquent taxes shall be applicable to this Authority.

Sec. 21. (a) The Board of Directors of the Authority shall have the power to adopt and promulgate all reasonable regulations to secure, maintain and preserve the sanitary condition of all water in and to flow into any reservoir owned by the Authority, to prevent waste of water or the unauthorized use thereof, to regulate residence, hunting, fishing, boating, and camping, and all recreational and business privileges, along or around any such reservoir and the stream leading into it, and its tributaries, or, any body of land, or easement owned or controlled by the Authority; and shall have the right to make contracts with responsible persons for the construction and operation of toll bridges over the Authority's water, or for ferry service on or over the District's water (to cover periods of time not to exceed twenty (20) years in the case of a bridge and not to exceed ten (10) years in the case of a ferry), fixing the compensation to be charged for service by any such facility, to the end that the same be reasonable, and requiring adequate bond

or bonds from any such contracting person, association or corporation, payable to the Authority, to be of such amount and conditioned as the judgment of the directors of the Authority may deem to be required; and, such contracts may provide for forfeiture of the particular franchise in case of a failure of the licensee to render adequate public service.

Sec. 22. The Authority is authorized to establish or otherwise provide for public parks and recreation facilities, and to acquire land adjacent to any of its reservoirs for such purposes, provided however, that no money received from taxation or from bonds payable wholly or partially from taxation shall be used for such purpose, and that the Authority shall not condemn for park or recreation purposes any land which is not required for other purposes of the Authority.

Sec. 23. If any provision of this Act or the application thereof to any person or circumstance shall be held to be invalid or unconstitutional, the remainder of the Act, and the application of such provision to other persons or circumstances shall not be affected thereby.

Sec. 24. It is hereby found that notice of intention to apply for the passage of this Act has been published in the locality where the matter and things to be affected hereby are situated which notice stated the substance of this law, and was published at least thirty (30) days prior to the introduction into the Legislature of this bill in the manner provided by law, and the time, form and manner of giving said notice is hereby approved and ratified. The evidence of the foregoing was exhibited in the Legislature before the passage of this Act.

Sec. 25. The fact that additional sources of water are immediately and urgently needed in the Authority hereby established, creates an emergency and an imperative public necessity requiring that the Constitutional Rule that bills be read on three several days be suspended, and such Rule is hereby suspended, and that this Act take effect from and after its passage, and it is so enacted.

The report was read and was adopted by the following vote:

Yeas—21

Aikin

Ashley

Colson	Owen
Corbin	Parkhouse
Fuller	Phillips
Hardeman	Rogers
Kazen	of Childress
Lane	Rogers of Travis
Lock	Secrest
McDonald	Shireman
Moffett	Strauss
Moore	Willis

Absent

Fly	Martin
Latimer	Wagonseller
Bracewell	

Absent—Excused

Hazlewood	Roberts
Kelley	Weinert
Ratliff	

Vote on Concurrence in House Amendments on Senate Bill 331 Reconsidered

On motion of Senator Rogers of Travis, and by unanimous consent, the vote by which the Senate concurred in the House amendments to S. B. No. 331 was reconsidered.

On motion of Senator Rogers of Travis the Senate concurred in House amendments to S. B. No. 331 by the following vote:

Yeas—25

Aikin	Moffett
Ashley	Moore
Bracewell	Owen
Colson	Parkhouse
Corbin	Phillips
Fuller	Rogers
Hardeman	of Childress
Kazen	Rogers of Travis
Lane	Secrest
Latimer	Shireman
Lock	Strauss
Martin	Wagonseller
McDonald	Willis

Absent

Fly

Absent—Excused

Hazlewood	Roberts
Kelley	Weinert
Ratliff	

House Concurrent Resolution 108
Ordered Not Printed

On motion of Senator Parkhouse,

and by unanimous consent, H. C. R. No. 108 was ordered not printed.

Adjournment

On motion of Senator Moffett the Senate, at 1:45 o'clock p. m., adjourned until 10:30 o'clock a. m. on Monday, May 9, 1955.

FIFTY-EIGHTH DAY

(Monday, May 9, 1955)

The Senate met at 10:30 o'clock a. m., pursuant to adjournment, and was called to order by the President.

The roll was called and the following Senators were present:

Aikin	Moffett
Ashley	Moore
Bracewell	Owen
Colson	Parkhouse
Fly	Phillips
Fuller	Ratliff
Hardeman	Roberts
Hazlewood	Rogers
Kazen	of Childress
Kelley	Rogers of Travis
Lane	Secrest
Latimer	Shireman
Lock	Strauss
Martin	Wagonseller
McDonald	Willis

Absent—Excused

Corbin Weinert

A quorum was announced present.

Reverend W. H. Townsend, Chaplain, offered the invocation as follows:

"Our Father, Thou art the potter; we, the clay. Reveal to us Thy plan for our lives, our families, and our State. Take the broken fragments of our lives, mould and make them into vessels for Thy service, and may we ever remember 'Except the Lord build the house, they labour in vain that build it.' For Christ's sake. Amen."

On motion of Senator Aikin, and by unanimous consent, the reading of the Journal of the proceedings of Friday, May 6, 1955, were dispensed with and the Journal was approved.

Leaves of Absence

Senator Weinert was granted leave of absence for today on account of

illness in his family on motion of Senator Hardeman.

Senator Corbin was granted leave of absence on account of important business on motion of Senator Moore.

Senate Resolution 329

Senator Martin offered the following resolution:

Whereas, We are honored today to have in the gallery Odis Anderson, May Clayton, Douglas Crain, Carolyn Deford, Dorothy Helton, Betty Sue Jennings, Mary Kilgo, Jerry Leckie, Stenton Maddox, Lemma Mills, Livy Mills, Tommy Simmons, Margie White, Billy Darden, Thisbie Barnes, Don Brown, who are members of the junior and senior classes of the Hubbard, Texas, High School, and who are accompanied by their sponsor, Mr. W. H. Mowery; and

Whereas, These students and guests are on an educational tour of the Capitol Building and the Capital City; and

Whereas, This fine class of young American citizens is here to observe and learn firsthand the workings of their State Government; now, therefore, be it

Resolved, That we officially recognize and welcome this class and commend them for their interest, and that a copy of this resolution, properly endorsed, bearing the official seal of the Senate, be mailed to them in recognition of their visit.

The resolution was read and was adopted.

Senator Martin, by unanimous consent, presented the students and Mr. Mowery to the Members of the Senate.

Reports of Standing Committees

Senator Latimer offered the following reports:

Austin, Texas,
May 9, 1955.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Constitutional Amendments, to whom was referred H. J. R. No. 29, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass, as amended, and be printed.

LATIMER, Vice-Chairman.